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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASHLEY M. GJOVIK, *an individual*,

Plaintiff,

vs.

APPLE INC., a corporation,

Defendant.

CAND No. 3:23-CV-04597-EMC
9th Cir No.: 24-6058

DISCOVERY DISPUTE
PLAINTIFF'S LETTER 1/3

REQUESTS FOR PRODUCTION

Fed. R. Civ. P. 26, 37

Civ. L.R. 26, 37

Prof. Conduct. Sect. 9

Meet and Confer Requirement: Defendant repeatedly refused to meet/confer in good faith & also refused to agree to file a joint letter. Please see concurrently filed Request for a Telephonic Conference (or for the court of fashion an alternative procedure).

1 **DISCOVERY DISPUTE #1 - PRODUCTION**

2 1. Plaintiff Ashley Gjovik respectfully submits this letter requesting
3 judicial intervention regarding Defendant Apple Inc.’s refusal to comply with its
4 discovery obligations. Apple has engaged in a pattern of stonewalling, obstruction,
5 and contradictory assertions—claiming at times that discovery is both completed
6 and nonexistent, while simultaneously demanding sweeping discovery from
7 Plaintiff. Given Apple’s refusal to engage in good-faith discussions and its
8 continued obstruction of discovery, Plaintiff respectfully requests that the Court
9 compel Apple to comply with its obligations under the Federal Rules of Civil
10 Procedure and applicable local rules.

11 2. Since the referral of discovery disputes to this Court (Dkt. No. 83 at
12 1), Apple has refused to meet and confer in good faith. Plaintiff requested a joint
13 letter as required by this Court’s Standing Order, yet Apple declined,
14 necessitating this unilateral submission alongside a *Request for a Telephonic*
15 *Conference* to enforce compliance with meet-and-confer requirements.

16 **I. STATEMENTS OF FACTS**

17 3. Plaintiff Ashley Gjovik submits this filing in ongoing litigation
18 against Defendant Apple Inc., arising from claims of whistleblower retaliation,
19 toxic torts, intentional infliction of emotional distress, and unfair business
20 practices. After raising concerns about toxic chemical exposure, labor violations,
21 and corporate misconduct, Plaintiff faced a series of severe retaliatory actions,
22 including termination, denylisting, surveillance, and reputational harm.

23 4. Since the filing of this lawsuit, Defendant has yet to file an answer in
24 this case—despite 17 months of civil litigation—and has instead engaged in
25 extensive motion practice, including five successive motions to dismiss under Rule
26 12(b)(6), while simultaneously resisting discovery obligations. This case is also
27 intertwined with parallel proceedings, including an adjudication before the U.S.
28

1 Department of Labor’s Office of Administrative Law Judges and a pending appeal
2 before the Ninth Circuit. Additionally, federal agencies such as the NLRB and
3 EPA have substantiated core allegations in this matter, underscoring the necessity
4 of comprehensive discovery.¹

5 5. Since July 2021, Plaintiff has voluntarily provided Defendant with
6 hundreds of documents supporting her claims and has continuously supplied
7 updates and detailed outlines to ensure efficiency in the litigation process. In an
8 effort to keep the case moving forward despite Defendant’s resistance, Plaintiff
9 independently sought and obtained relevant records through FOIA requests and
10 other research, uncovering critical evidence that Defendant has refused to
11 produce.

12 6. Defendant, however, has failed to reciprocate these efforts, declining
13 to create a discovery plan and asserting contradictory positions— at times
14 claiming that discovery has already been completed, while simultaneously arguing
15 that discovery has not yet begun and will not proceed without a court order.
16 Defendant has further withheld key documents, asserted broad and unsupported
17 privilege claims, and repeatedly delayed compliance. This filing addresses these
18 ongoing discovery deficiencies and seeks appropriate relief to ensure that
19 Defendant meets its obligations under the Federal Rules of Civil Procedure.

20 **II. ISSUES TO BE DECIDED**

21 **A. Defendant’s Refusal to Produce Core Documents**

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23 7. Apple has refused to produce the majority of documents related to its
24 decision to terminate Plaintiff, its internal communications about her
25 whistleblowing, and records supporting its pretextual justifications. Apple argues
26 these records are “*privileged*” or “*irrelevant*”, despite their direct relation to
27 Plaintiff’s claims.

28 ¹

1 8. Relief Requested: Plaintiff requests that the Court order Apple to
2 produce all non-privileged documents related to Plaintiff's employment
3 termination, internal investigations, and related whistleblowing concerns.

4 **B. Apple's Contradictory Positions on General Order 71**

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6 9. Apple unilaterally applied General Order 71 in December 2023, only
7 informing Plaintiff after its supposed deadline had passed, in an attempt to coerce
8 production of documents without proper review. Apple simultaneously argues
9 "*there is no discovery ongoing in this case*" while demanding Plaintiff produce
10 thousands of pages of employment-related documents under General Order 71.

11 10. Relief Requested: Plaintiff seeks clarification from the Court on
12 whether General Order 71 applies independently or should be incorporated into
13 broader discovery timelines.

14 **C. Defendant's Refusal to Engage in Discovery Planning**

15 11. The Court ordered both parties to develop a discovery plan. Plaintiff
16 has repeatedly requested to do so; Apple has refused.

17 12. Relief Requested: Plaintiff requests that the Court order Apple to
18 meaningfully engage in the discovery planning process and cooperate in
19 scheduling depositions and document production.

20 **III. APPLE'S PATTERN OF BAD FAITH LITIGATION**

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22 13. Apple has taken irreconcilable positions in this case, designed to
23 obstruct discovery and force Plaintiff into an untenable position:

- 24 — "*Discovery has not begun.*" (Email from Apple Counsel, November 3,
25 2023)
26 — "*Discovery is already complete.*" (Apple's Motion to Dismiss, November
27 14, 2023)
28 — "*Plaintiff has failed to comply with General Order 71.*" (Email from
Apple Counsel, February 2024)

1 — “*There is no discovery ongoing in this case.*” (Apple’s Responses to RFPs,
2 December 2024)

3 These contradictory positions are not merely inconsistent—they are calculated
4 efforts to manipulate discovery obligations and obstruct Plaintiff’s ability to
5 litigate her claims.

6 14. Furthermore, Apple’s refusal to produce records concerning
7 Plaintiff’s protected activities, Apple’s knowledge of those activities, and its
8 pretextual justifications runs afoul of established Ninth Circuit precedent. Courts
9 have consistently compelled production of such documents in retaliation cases.
10 See *Yanowitz v. L’Oreal USA, Inc.*, 36 Cal. 4th 1028, 1042 (2005); *Keyser v.*
11 *Sacramento City Unified Sch. Dist.*, 265 F.3d 741, 751 (9th Cir. 2001); *Reeves v.*
12 *Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 148 (2000).

13 **IV. CONCLUSION**

14 15. Defendant’s actions constitute an intentional and coordinated effort
15 to obstruct discovery. Apple’s refusal to engage in good-faith negotiations, its
16 contradictory positions, and its outright defiance of Court-ordered discovery
17 obligations demand judicial intervention.

18 16. Accordingly, Plaintiff respectfully requests that this Court:

- 19 — Order Apple to produce non-privileged documents relating to
- 20 Plaintiff’s employment termination and whistleblowing activities.
- 21 — Clarify the applicability of General Order 71 in relation to broader
- 22 discovery obligations.
- 23 — Compel Apple to participate in discovery planning and abide by its
- 24 obligations under Rule 26.

1 17. Plaintiff remains committed to engaging in discovery in good faith
2 and ensuring that the process proceeds fairly and efficiently. However, absent
3 Court intervention, Apple's obstructive tactics will continue to hinder meaningful
4 progress in this case.

5
6 Dated: February 11, 2025

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9 Dated: Feb. 11 2025

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/s/ Ashley M. Gjovik

14 *Pro Se Plaintiff*

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